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REMARKS

This Application has been carefully reviewed in light of the Official Action mailed September 5, 2002. In order to advance the prosecution of this Application, Applicant has responded to each issue raised by the Examiner. Applicant respectfully requests reconsideration and favorable action in this case.

The Examiner rejects Claim 1-50 under 35 U.S.C. § 112 as being indefinite. Applicant has amended the claims to correct the ambiguity noted by the Examiner. Applicant respectfully requests withdrawal of this rejection.

The Examiner also rejects Claim 29 as being indefinite. The Examiner did not provide any explanation why Claim 29 is indefinite. Applicant has amended Claim 29 to more clearly define the claimed subject matter. Applicant respectfully requests withdrawal of this rejection. If the Examiner maintains this rejection, Applicant respectfully requests that the Examiner specifically explain why the Examiner believes Claim 29 is indefinite.

The Examiner further rejects Claims 1-55 under 35 U.S.C. § 103(a) as being obvious over U.S. Patent No. 5,790,260 by Myers ("*Myers*") in view of U.S. Patent No. 6,009,261 by Scalzi et al. ("*Scalzi*"). Applicant respectfully traverses these rejections for at least the reasons discussed below.

Amended Claim 1 recites a method for communicating between a check processing system and a non-compatible check sorter, which includes:

> accessing a MICR buffer for the check sorter, the MICR buffer comprising MICR data retrieved from a check;
> generating process buffer data based on the MICR buffer, the process buffer data standardized for a plurality of disparate types of check sorters;
> receiving a plurality of feature instructions for the check based on the process buffer data; and
> communicating the feature instructions to the check sorter for processing of the check.

Myers and *Scalzi* fail to teach or suggest all elements of Claim 1.

Myers discloses a method of "off-line digitizing item images." (*Abstract*). *Myers* uses

a check reader/sorter to generate an image of a check on microfilm. (*Abstract*). *Myers* then generates a digital image of either the actual check or the microfilmed image. (*Abstract*).

The Examiner admits that *Myers* fails to teach "where the two processing systems are non-compatible and where data will need to be converted from one system to the other and instructions made accordingly." (*Office Action, Page 3, Last paragraph - Page 4, First paragraph*).

First, Applicant respectfully notes the Examiner is acknowledging that *Myers* fails to teach almost every element of Claim 1. In particular, the Examiner is acknowledging that *Myers* fails to teach "generating process buffer data based on the MICR buffer," "receiving a plurality of feature instructions for the check based on the process buffer data," and "communicating the feature instructions to the check sorter for processing of the check" as recited in Claim 1.

Second, *Myers* fails to teach or suggest that a check sorter may receive "feature instructions" or that the check sorter uses the feature instructions for "processing of the check." *Myers* simply discloses that a check sorter retrieves information from checks and stores the information in a memory. *Myers* never mentions that the check sorter uses instructions from a check processing system to control how a check is processed. In fact, *Myers* never mentions any component giving any type of instruction to the check sorter. While the Examiner relies on *Scalzi* as disclosing the communication of instructions, *Scalzi* is unrelated to check processing and therefore fails to teach or suggest a "check sorter" that can receive "feature instructions" and use the instructions for "processing of the check."

For at least these reasons, the proposed *Myers-Scalzi* combination fails to teach or suggest Claim 1. Applicant respectfully requests withdrawal of the rejection and full allowance of Claim 1, and Claims 2-10 depending from Claim 1.

Among other things, Amended Claim 11 recites "receiving a plurality of feature instructions for the check based on the process buffer data" and "communicating the feature instructions to the check sorter for processing of the check."

Among other things, Amended Claim 20 recites an emulator operable to "generate a plurality of feature instructions for each check based on the process buffer data" and to "communicate the feature instructions to the sorter," where the sorter is operable to "process the checks based on the feature instructions."

Among other things, Amended Claim 30 recites logic operable to "generate a plurality of feature instructions for the check based on the process buffer data, and to communicate the feature instructions to the check sorter for processing of the check."

Among other things, Amended Claim 41 recites logic operable to "generate a plurality of feature instructions for the check based on the process buffer data, and to communicate the feature instructions to the check sorter for processing of the check."

As described above, the proposed *Myers-Scalzi* combination fails to teach or suggest at least these elements of Claims 11, 20, 30, and 41. Applicant respectfully requests withdrawal of the rejection and full allowance of Claims 11, 20, 30, and 41, Claims 12-19 depending from Claim 11, Claims 21-29 depending from Claim 20, Claims 31-40 depending from Claim 30, and Claims 42-50 depending from Claim 41.

Claim 51 recites a check sorter, which includes:

> a MICR reader operable to read check information from a check processed by the sorter;
> a digital imaging system operable to image a front and a back of the check processed by the sorter; and
> a controller responsive to instructions based on the check information, the controller operable to control the digital imaging system to selectively image one or more of the front and the back of the check.

As described above, the proposed *Myers-Scalzi* combination fails to teach or suggest a check sorter than receives instructions and processes checks based on the instructions. As a result, the proposed *Myers-Scalzi* combination fails to teach or suggest a controller that is "responsive to instructions based on the check information" and that controls a "digital imaging system to selectively image one or more of the front and the back of the check."

While the Examiner states that this is obvious, the Examiner cites no references to support this assertion. In fact, since *Myers* fails to even mention that the check sorter can receive instructions, the Examiner's assertion that this is obvious is not supported by even the *Myers* reference.

For at least these reasons, the proposed *Myers-Scalzi* combination fails to teach or suggest Claim 51. Applicant respectfully requests withdrawal of the rejection and full allowance of Claim 51, and Claims 52-53 depending from Claim 51.

Claims 54 recites a method for imaging a check during check sorting operations, which includes:

> reading check information from the check;
> determining an imaging option based on the check information, the imaging options comprising no image, a front image, a back image, and a front and back image; and
> selectively imaging the check based on the imaging option.

The proposed *Myers-Scalzi* combination fails to teach or suggest "determining an imaging option based on the check information, the imaging options comprising no image, a front image, a back image, and a front and back image" and "selectively imaging the check based on the imaging option" as recited in Claim 54.

It is not obvious to modify *Myers* so that an imaging option represents "no image." *Myers* teaches creating a digitized image of a check to so that the digital image can be included in a customer statement. (*Col. 6, Lines 4-11*). The digital image is created so that the customer statements can be generated without having to resort the checks or use the microfilmed images to generate the customer statements. It would not be obvious to generate "no image" of a check because that would render *Myers* unsuitable for its intended purpose.

For at least these reasons, the proposed *Myers-Scalzi* combination fails to teach or suggest Claim 54. Applicant respectfully requests withdrawal of the rejection and full allowance of Claim 54, and Claim 55 depending from Claim 54.

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CONCLUSION

Applicant has made an earnest attempt to place this case in condition for allowance. For the foregoing reasons and for other reasons clearly apparent, Applicant respectfully requests reconsideration and full allowance of all pending claims.

Applicant does not believe that any fees are due. The Commissioner is hereby authorized to charge any fees or credit any overpayments to Deposit Account No. 02-0384 of Baker Botts L.L.P.

If the Examiner feels that a conference would advance prosecution of this Application in any manner, the undersigned attorney stands willing to conduct such a telephone interview at the convenience of the Examiner.

Respectfully submitted,

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MARKED-UP VERSION OF THE CLAIMS

1.   **(Amended)**   A method for communicating between a check processing system and a non-compatible check sorter, comprising:

accessing a MICR buffer for the check sorter, the MICR buffer comprising MICR data retrieved from a check;

generating [a] process buffer **data** based on the MICR buffer, the process buffer **data** standardized for a plurality of disparate types of check sorters;

receiving a plurality of feature instructions for the check based on the process buffer **data**; and

communicating the feature instructions to the check sorter for processing of the check.

2.   **(Amended)**   The method of Claim 1, the standardized process buffer **data** comprising a format compatible with a check sorter compatible with the check processing system.

11.   **(Amended)**   A method for emulating a compatible check sorter for a check processing system, comprising:

accessing a MICR buffer for the check sorter, the MICR buffer comprising MICR data retrieved from a check;

generating [a] process buffer **data** based on the MICR buffer, the process buffer **data** standardized for a plurality of disparate types of check sorters, the standardized process buffer **data** comprising a format compatible with the compatible check sorter;

receiving a plurality of feature instructions for the check based on the process buffer **data**; and

communicating the feature instructions to the check sorter for processing of the check.

20.   (Amended)   A system for handling checks, comprising:

a sorter operable to retrieve MICR data from a plurality of checks;

an emulator coupled to the sorter, the emulator operable to access the MICR data, to generate [a] process buffer **data** based on the MICR data, the process buffer **data** standardized for a plurality of disparate types of check sorters, and to generate a plurality of feature instructions for each check based on the process buffer **data**;

a check processing system coupled to the emulator, the check processing system operable to receive the process buffer **data** from the emulator; and

the emulator further operable to communicate the feature instructions to the sorter, the sorter further operable to process the checks based on the feature instructions.

21.   (Amended)   The system of Claim 20, the standardized process buffer **data** comprising a format compatible with a check sorter compatible with the check processing system.

29.   (Amended)   The system of Claim 20, **wherein** the check processing system **is** non-compatible with the check sorter.

31.   (Amended)   A system for communicating between a check processing system and a non-compatible check sorter, comprising:

logic stored on at least one computer-processable medium;

the logic operable to access a MICR buffer for the check sorter, the MICR buffer comprising MICR data retrieved from a check, to generate [a] process buffer **data** based on the MICR buffer, the process buffer **data** standardized for a plurality of disparate types of check sorters, to generate a plurality of feature instructions for the check based on the process buffer **data**, and to communicate the feature instructions to the check sorter for processing of the check.

32.   (Amended)   The system of Claim 31, the standardized process buffer **data** comprising a format compatible with a check sorter compatible with the check processing system.

41.   (Amended)   A system for emulating a compatible check sorter for a check processing system, comprising:

logic stored on at least one computer-processable medium;

the logic operable to access a MICR buffer for the check sorter, the MICR buffer comprising MICR data retrieved from a check, to generate [a] process buffer **data** based on the MICR buffer, the process buffer **data** standardized for a plurality of disparate types of check sorters, the standardized process buffer **data** comprising a format compatible with the compatible check sorter, to generate a plurality of feature instructions for the check based on the process buffer **data**, and to communicate the feature instructions to the check sorter for processing of the check.

42.   (Amended)   The system of Claim 41, the standardized process buffer **data** comprising a format compatible with a check sorter compatible with the check processing system.